IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

-

WRIT PETITION NO : 18040 of 1993

Between:

Chaitanya Grameena Bank Staff Federation with Regn.No.C/1377/Tenali, rep. by its General Secretary G.S.Kumar. **..... PETITIONER**

AND

1 Chaitanya Grameena Bank, Head Office at Tenali, Guntur district, rep. by its Chairman
2 Chairman, Chaitanya Grameena Bank, Head Office at Tenali, Guntur District.
3 Govt of India, New Delhi rep. by its Secretary, Ministry of Finance and Economic Affairs, Parliament Street, New Delhi. **.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction declaring the inaction of the respondents 1 and 2 herein in filling up of the vacancies of JM-I officers in the first respondent Bank by promoting the persons working in clerical cadre (in the posts of Clerk-cum-Cashiers) as illegal, contrary to the Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules 1988, highly arbitrary, unreasonable and hence violative of the fundamental rights guaranteed to the persons working in clerical cadre who are the members of the petitioner Association under Art 14, 16 and 21 of the Constitution of India and issue a consequential direction to the respondents herein to fill up 32 vacancies of JM-I officers by promoting the persons working in clerical cadre (in the posts of Clerk-cum-Cashier) and further direct the respondents that till such promotions are affected not make any direct recruitment to the posts of JM-I officers.

For the Petitioner: MR.M.RAJAMALLA REDDY, Advocate.

For the Respondent Nos.1 and 2 : MR.K.SRINIVASAMURTHY, Advocate.

For the Respondent No.3: S.C. for Central Govt.

The Court Made the Following :

O R D E R :

The Writ Petition is filed by Chaitanya Grameena Bank Staff Federation, an association of the clerical staff of the Grameena Banks, seeking a writ to declare the inaction on the part of respondents 1 and 2 in filling up vacancies of Junior Manager-I Officers in first respondent bank by promoting persons working in clerical cadre against the posts of clerk-cum-cashiers, as illegal and contrary to the Regional Rural Banks (Appointment and Promotion of Officers and other Employees) Rules, 1988.

It is stated that the Writ Petition has not been filed by any individual who is supposed to have felt aggrieved by the alleged action or inaction on the part of the respondents. The Writ Petition is filed by an association claiming omnibus directions on the ground that the respondents 1 and 2 have not been active in effecting promotions from the clerical cadre to fill up vacancies of Junior Manager-I Officers. There is also no challenge in the Writ Petition to the promotion or appointment of any person as Junior Manager-I Officer on the ground that any of the petitioner's members have been ignored from consideration. In such like matters, it will not be proper to issue any direction when there is a discretion left for the respondents to resort to one of the other modes of filling up of the posts, unless it is shown that the respondents are under obligation to make appointments or to fill up vacancies of Junior Manager-I officers from one particular source. It is always open for the employer to take decision as to which of the alternative modes has to be resorted to in filling up of the vacancies. Being a policy matter, it can not be interfered with by the courts. Exactly, this is the stand taken by the respondents, who have in their affidavit in reply, narrated that there has been a change in the staffing pattern and the old guidelines have

become obsolete.

In any case, the relief prayed for in the petition can not be granted to the petitioner association. Only affected person has to approach the court seeking redressal of his individual grievance. This Writ Petition, is therefore, dismissed.

08.07.2004

Copy to:

1)The Chairman, Chaitanya Grameena Bank, Head Office, Tenali, Guntur dist.

2)The Secretary, Ministry of Finance and Economic Affairs, Government of India, Parliament street, New Delhi.

3)Two CD copies.